

REMARKS

By the foregoing amendment, Claims 1, 3-5, 7, 8, and 10 have been canceled without prejudice or disclaimer, Claims 2, 6, 9, and 11, 13-15 have been amended, and new Claims 21-32 added. Thus, Claims 2, 6, 9, and 11-32 are currently pending in the application.

In the Office Action mailed November 18, 2002, the Examiner objected to the oath or declaration and required a new oath and declaration. Responsive to this objection, a newly executed Revocation of Power of Attorney and Declaration are submitted herewith. If any additional action is needed with regard to the Declaration, the Examiner is requested to contact Applicant's below identified representative.

The Examiner objected to the drawings for reasons involving the labeling. Responsive to this objection, a Request for Approval of Drawing Changes is submitted herewith. If any additional action is needed with regard to the Drawings, the Examiner is requested to contact Applicant's below identified representative.

The Examiner also objected to the Abstract and specification for minor informalities. Responsive to these objections, a revised Abstract is attached hereto, and amendments have been made to specification. If any additional action is needed with regard to the Abstract or specification, the Examiner is requested to contact Applicant's below identified representative.

The Examiner rejected Claims 1-6, 9, 10-13, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,632,485 to Woodland, et al. Under 35 U.S.C. § 103(a), the Examiner rejected Claim 14 as being unpatentable over Wood in view of U.S. Patent No. 6,341,778 to Woodland, et al., rejected Claims 7 and 8 as being unpatentable over U.S. Patent No. 6,450,500 to Miller in view of U.S. Patent No.

6,264,200 to Smith, and rejected Claims 19 and 20 as being unpatentable over Woodland in view of U.S. Patent No. 6,270,404 to Sines, et al. It is noted that Claims 1, 3-5, 7, 8, and 10 have been canceled, and Claims 2, 6, 9, 11, 13 and 15 have been amended. To the extent that the rejection remains applicable to the claims currently pending, Applicant hereby traverses the rejection, as follows.

It is submitted that none of Woodland, Lee, Miller, Smith, or Sines, nor the combination thereof disclose or suggest at least the feature of determining whether the player wins the auxiliary game, regardless of whether the player won the Blackjack game, if the dealer hand is non-breaking, as claimed in independent Claims 14, 15, 21, 31, and 32. It is also submitted that none of the referenced prior art discloses or suggests at least the feature of determining whether the player wins the auxiliary game based on a dealer hand characteristic, as claimed in Claims 28 and 29.

Applicant therefore submits that independent Claims 14, 15, 21, 28, 29, 31, and 32 are allowable over the cited prior art. As each of these independent claims is allowable, Applicant submits that Claims 2, 6, and 9, which depend from allowable Claim 21, Claims 11-14, which depend from allowable Claim 32, Claims 16-20, which depend from allowable Claim 15, Claims 22-27, which depend from allowable Claim 21, and Claim 30, which depends from allowable Claim 29, are each likewise allowable.

With regard to each of the rejections under §103 in the Office Action, it is also respectfully submitted that the Examiner has not yet set forth a *prima facie* case of obviousness. The PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 U.S.P.Q.2nd 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a

showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See also In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002).

In the Office Action, the Examiner states that it would have been obvious to combine the references so as to accomplish the advantages of the present invention, or to accomplish general advantages not specifically identified within the references. See, e.g., Office Action at pages 5, 6, and 7. This is an insufficient showing of motivation.

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Tony A. CRANFORD
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Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

Respectfully submitted,

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Enclosures: Marked-Up Version of Amended Claims
Petition for Extension of Time (one month)
Revised Abstract
Request for Drawing Changes and Marked up Drawings



MARKED-UP VERSION OF AMENDED CLAIMS

2. (Amended) The method of Claim [1] 27, wherein receiving a selection to participate in a Blackjack game from the player includes:
receiving a Blackjack wager.
6. (Amended) The method of Claim [5] 2, further comprising:
for each player winning in the Blackjack game, paying a return, wherein the return [varied] varies depending on the Blackjack wager.
9. (Amended) The method of Claim 21, wherein the card game is played on a gaming table.
11. (Amended) The method of Claim [10] 32, wherein the representations of the cards are displayed on a terminal.
13. (Amended) The method of Claim [10] 11, wherein the terminal comprises one selected from a group consisting of a personal computer, a minicomputer, a microcomputer, a main frame computer, and a slot machine.
14. (Amended) A gaming table for at least one player and a dealer to play a card game with at least one deck of cards, the game being played in accordance with standard rules of Blackjack and including an auxiliary game portion, the gaming table comprising:

a table surface; and

at least one player location indicated on the table surface, each of the at least one player location including:

an indicated Blackjack bet location;

an indicated auxiliary game portion bet location;

wherein the play of the card game includes:

receiving a selection to participate in a Blackjack card game from each of the at least one player;

optionally receiving a selection to participate in the auxiliary game portion from each of the at least one player;

playing the Blackjack card game in accordance with rules of Blackjack, the Blackjack round including:

sequentially dealing a first card to each player and a first card to the dealer;

sequentially dealing a second card to each player and a second card to the dealer;

providing an option to receive additional cards to each of the at least one player and the dealer;

dealing additional cards to each of the at least one player and the dealer selecting to receive additional cards, in accordance with the rules of Blackjack, such that each player has a player Blackjack hand and the dealer has a dealer Blackjack hand; [and]

determining whether each player wins the Blackjack round; and

for each of the at least one player from which [is received] a selection to [play] participate in the auxiliary game [portion, determined whether the play wins the auxiliary game portion] is received:

determining whether the dealer hand is non-breaking; and
if the dealer hand is non-breaking, determining whether the
player wins the auxiliary game, regardless of whether the player
won the Blackjack game.

15. (Amended) A device for a player to play a card game with representations of a deck of cards, the game being played in accordance with standard rules of Blackjack and including an auxiliary game portion, the device comprising:

a display for displaying the card game, including the representations of a standard deck of cards; and

a processor for receiving selections from the player for play of the game, for determining progress of play, and for processing and displaying a graphical user interface;

wherein a selection is received to participate in a Blackjack card game from each of the at least one player;

wherein a selection to participate in the auxiliary game portion is optionally received from each of the at least one player;

wherein the Blackjack card game is played in accordance with rules of Blackjack, the Blackjack round including:

sequentially dealing a first card to each player and a first card to the dealer;

sequentially dealing a second card to each player and a second card to the dealer;

providing an option to receive additional cards to each of the at least one player and the dealer;

dealing additional cards to each of the at least one player and the dealer selecting to receive additional cards, in accordance with the rules of Blackjack, such that each player has a player Blackjack hand and the dealer has a dealer Blackjack hand; [and]

determining whether each player wins the Blackjack round; and

for each of the at least one player from which [is received] a selection to [play] participate in the auxiliary game [portion, determined whether the play wins the auxiliary game portion] is received:

determining whether the dealer hand is non-breaking; and

if the dealer hand is non-breaking, determining whether the player wins the auxiliary game, regardless of whether the player won the Blackjack game.